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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,127

12/01/2003

Harry Bussey JR.

2659

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7590

03/11/2009

EXAMINER

CRAWFORD, GENE O

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* HARRY BUSSEY JR. and BUDDY HARRY BUSSEY III

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Application No. 10/725,127  
Technology Center 3600

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Mailed: March 11, 2009

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S ANSWER**

**NEW GROUND OF REJECTION**

On October 19, 2007, an Examiner's Answer was mailed. The Examiner's Answer included a new ground of rejection, where Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Hook.

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. Further, any new ground of rejection is required to be prominently identified, e.g., a separate heading with all capitalized letters. See MPEP § 1207.02(A)(6)(d).

To correct this problem, the Examiner will need to vacate the Examiner's Answer mailed October 19, 2007, and mail a Supplemental Examiner's Answer with the approval of the Technology Center Director or designee.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) to vacate the Examiner's Answer mailed October 19, 2007;
- 2) mailed a Supplemental Examiner's Answer with the signature of the Technology Center Director; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/pgc

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